

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**ULYESSE LASSITER,**

**Plaintiff,**

**vs.**

**WARDEN GRAMIAK ET AL.,**

**Defendants.**

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**CIVIL ACTION  
NUMBER: 5:03-CV-33 (CAR)  
  
CIVIL RIGHTS  
42 U.S.C. § 1983**

***ORDER ON PLAINTIFF’S MOTION TO PROCEED ON APPEAL IN FORMA PAUPERIS***

Before the Court is Plaintiff’s Motion to Proceed on Appeal *in forma pauperis*. [Doc. 58].

The above-named Plaintiff seeks to appeal the judgment entered following the trial of his case brought pursuant to 42 U.S.C. § 1983. Plaintiff seeks to appeal without paying filing fees. The Prison Litigation Reform Act provides that “[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” 28 U.S.C. § 1915(a)(3).

The determination of good faith in the context of § 1915 is guided by the meaning of good faith in the context of a criminal appeal. In a criminal appeal good faith is judged by an objective standard. Coppedge v. United States, 369 U.S. 438, 445 (1962). A defendant in a criminal appeal demonstrates good faith by seeking appellate review of an issue that is not frivolous. Id.

Here, Plaintiff seeks review of the judgment entered in this case following a jury trial in which the jury issued a verdict in favor of Defendant Thomas Gramiak and against Plaintiff. Plaintiff has not specified any reasons that the judgment or verdict was in error to support his application for leave to appeal. Because Plaintiff has made no arguable claim to support his

motion to proceed *in forma pauperis* on appeal, this Court cannot find that the appeal is taken in good faith. Accordingly, the motion to proceed *in forma pauperis* [Doc. 58] is **DENIED**.

**SO ORDERED**, this 23rd day of November, 2005.

S/ C. Ashley Royal  
C. ASHLEY ROYAL  
UNITED STATES DISTRICT JUDGE

AEG/ssh